

U.S. DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAKE CHARLES DIVISION

BROOKSHIRE BROTHERS HOLDING, INC., et al.,	*	Case No. 04-1150 (JTT)
	*	
Plaintiffs,	*	
	*	JUDGE TRIMBLE
	*	
v.	*	MAGISTRATE JUDGE
	*	WILSON
TOTAL CONTAINMENT, INC., et al.,	*	
	*	
Defendants.	*	
*****	*	

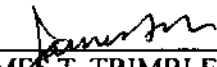
**ORDER**

Considering Defendant Ticona Polymers, Inc.'s Motion For Certification Under 28  
U.S.C. Section 1292(b);

**IT IS ORDERED** that the motion is hereby granted, and that the Court finds, pursuant to 28 U.S.C. Section 1292(b) and Rule 5(a)(3) of the Federal Rules of Civil Procedure, that the portion of the Court's Judgment (Docket No. 727), entered on August 31, 2006, that denied in part Ticona's motion for summary judgment on prescription grounds involves a controlling question of law as to which there is a substantial ground for difference of opinion and that an immediate appeal from that portion of the Judgment as authorized by 28 U.S.C. Section 1292(b) and this certification order may materially advance the ultimate termination of the litigation;

**IT IS ORDERED** that Ticona Polymers, Inc., pursuant to 28 U.S.C. Section 1292(b) and Rule 5(a)(3) of the Federal Rules of Civil Procedure, shall have ten days from the entry of this Order to file a Petition for Permission to Appeal in the United States Court of Appeal for the Fifth Circuit.

THUS DONE AND SIGNED IN Chambers at Lake Charles, Louisiana, this 5<sup>th</sup> day of October, 2006.

  
\_\_\_\_\_  
JAMES T. TRIMBLE, JR.  
UNITED STATES DISTRICT JUDGE